



Legislative Bulletin.....April 9, 2013

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H.R. 254 - Bonneville Unit Clean Hydropower Facilitation Act (Chaffetz, R-UT)

Order of Business: The legislation is scheduled to be considered on April 9, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary:

Background Information According to the House Report 112-503: The Diamond Fork system of the Bonneville Unit is a system of dams, pipelines and tunnels that transports water from the eastern mountains in Utah to the Wasatch Front in the north-central part of Utah. Under a 2004 “use of facilities” cost allocation formula, any hydropower developer must agree to pay \$106 million over 50 years as part of installing any hydropower infrastructure at Diamond Fork. This would be in addition to the actual capital cost of the facilities, which would be borne by the developer. This requirement is one reason why CBO expects the area to remain undeveloped over the next 10 years. The legislation essentially defers the \$106 million payment by stating that the “reimbursable costs” allocated to power the Diamond Fork System are the final costs. CBO expects eliminating this requirement would encourage nonfederal entities to pursue development of the hydropower resources at Diamond Fork.

The legislation states that nothing shall obligate the Western Area Power Administration to purchase any power that’s produced by the Diamond Fork power plant. Additionally, none of the costs associated with development of transmission facilities to transmit this power shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

The legislation also prohibits the use of tax-exempt financing for the project. Tax exempt financing is found under Chapter 1 of the Internal Revenue Code of 1986, and under subpart I or J of part IV of subchapter A of Chapter 1.

If 24 months after enactment, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall subject a report to the Congress to state this fact, and the reasons such production has not yet commenced.

Additional Information: A similar provision was included as Title II of H.R. 2578 from the 112th Congress. This legislation passed the House on June 19, 2012, by a [roll call vote of 232-188](#). The RSC Legislative Bulletin for H.R. 2578 can be [found here](#).

Committee Action: H.R. 254 was introduced on January 15, 2013, and was referred to the House Budget Committee, as well as the House Natural Resources Subcommittee on Water and Power. The Natural Resources Committee held a [full committee markup](#) on March 20, 2013, and favorably reported the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that the federal government would receive payments from hydropower developers of about \$4 million over the 2014-2023 period. CBO also estimates the government would collect annual fees from the project developer totaling about \$600,000 a year (adjusted for inflation) for the life of the project. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 254 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 2." Rep. Chaffetz's statement in the Congressional Record can be [viewed here](#).

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H.R 291 - Black Hills Cemetery Act (Noem, R-SD)

Order of Business: The legislation is scheduled to be considered on April 9, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 291 directs the Secretary of Agriculture to convey to certain local communities in South Dakota all right, title, and interest in the following:

1. The parcels of National Forest System land containing such cemeteries; and
2. Up to an additional two acres adjoining each cemetery in order to ensure the conveyances include unmarked gravesites and allow for expansion of the cemeteries.

These lands will be conveyed to the following local communities in South Dakota that are currently managing and maintaining the community cemeteries:

1. The Silver City Cemetery to the Silver City Volunteer Fire Department.
2. The Hayward Cemetery to the Hayward Volunteer Fire Department.
3. The encumbered land adjacent to the Englewood Cemetery (encompassing the cemetery entrance portal, access road, fences, 2,500 gallon reservoir and building housing such reservoir, and piping to provide sprinkling system to the cemetery) to the City of Lead.
4. The land adjacent to the Mountain Meadow Cemetery to the Mountain Meadow Cemetery Association.
5. The Roubaix Cemetery to the Roubaix Cemetery Association.
6. The Nemo Cemetery to the Nemo Cemetery Association.
7. The Galena Cemetery to the Galena Historical Society.
8. The Rockerville Cemetery to the Rockerville Community Club.
9. The Cold Springs Cemetery (including adjacent school yard and log building) to the Cold Springs Historical Society.

The lands conveyed by this legislation shall be used in the same manner and for the same purposes as they were immediately prior to the conveyance.

The recipient of each parcel shall be responsible for providing a survey for the particular parcel that is satisfactory to the Secretary.

Additional Information: Nearly identical legislation, H.R. 3874, passed the House of Representatives on May 15, 2012, by a roll call vote of 400-1. The RSC's Legislative Bulletin for H.R. 3874 can be [found here](#).

Committee Action: H.R. 291 was introduced on January 15, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation by unanimous consent. The committee held a [full committee markup](#) on March 20, 2013, and favorably reported the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 291 would have no significant impact on the federal budget. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 291 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.” Rep. Noem’s statement in the Congressional Record can be [viewed here](#).

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H.R. 1033 - American Battlefield Protection Program Amendments Act of 2013 (Holt, D-NJ)

Order of Business: The legislation is scheduled to be considered on April 9, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation expands and extends the American Battlefield Protection Program to include battlefields from the Revolutionary War, as well as the War of 1812. This program is currently set to expire at the end of FY 2013, and the legislation extends it through FY 2018. By extending the program, the legislation authorizes \$10,000,000 for each fiscal year.

Under the program, the Secretary of the Interior provides grants to eligible entities to pay the federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites. An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization. The non-federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

The acquisition of land or interests in land will come from willing sellers only.

The legislation mandates that within five years after enactment, the Secretary shall submit a report to Congress on the activities on the:

- “Preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;
- “Changes in the condition of the battlefields and associated sites during that period; and
- “Any other relevant developments relating to the battlefields and associated sites during that period.

Additional Information: Nearly identical legislation, H.R. 2489, passed the House of Representatives on September 10, 2012, by voice vote. The RSC’s Legislative Bulletin for H.R. 2489 can be [found here](#).

Potential Conservative Concern: Some conservatives may be concerned that the legislation extends a program that would otherwise expire at the end of fiscal year 2013. The Battlefield Acquisition Grant Program was last authorized in the Omnibus Public Land Management Act of 2009, which received [strong opposition](#) from House conservatives when it passed the House on March 25, 2009.

Rather than allow this program to expire, the legislation extends it through fiscal year 2018, and it expands the scope of the program to include battlefields from the Revolutionary War and the War of 1812. Additionally, the legislation authorizes \$10,000,000 for each fiscal year and does not contain an offset.

Committee Action: H.R. 1033 was introduced on March 7, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation by unanimous consent. The [full committee held a markup](#) on March 20, 2013, and favorably reported the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 1033 would cost \$46 million over the 2014-2018 period and about \$4 million after 2018. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would expand the American Battlefield Protection Program to include battlefields from the Revolutionary War and the War of 1812. Additionally, the program would be extended through fiscal year 2018. Under current law, the program would expire after fiscal year 2013.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 1033 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I of the United States Constitution." Rep. Holt's statement in the Congressional Record can be [viewed here](#).

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